REMARKS

In response to the final Office Action dated January 21, 2005, the Assignee respectfully requests reconsideration based on the above amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited art of record.

The United States Patent and Trademark Office (the "Office") rejected claims 1-28 under 35 U.S.C. § 103 (a) as being obvious in view of published U.S. Patent Application 2002/0111842 to Miles. The Assignee shows, however, that the amended, independent claims distinguish over *Miles*. The Assignee thus respectively submits that the pending claims distinguish over *Miles*.

Rejection of Claims 1-28 under 35 U.S.C. § 103 (a)

Claims 1-28 were rejected under 35 U.S.C. § 103 (a) as being obvious in view of published U.S. Patent Application 2002/0111842 to Miles. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) the Examiner must identify "some suggestion or motivation...to modify the reference"; 2) the Examiner must identify "a reasonable expectation of success"; and 3) "the prior art reference must teach or suggest all the claim limitations." DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter "M.P.E.P.").

The claims are not obvious in view of *Miles*. Independent claim 1, for example, includes features for tracking the remaining number of priorities at each priority level for each engineer. When the remaining number of priorities for a particular priority level is zero, then an engineer is not permitted to assign another work order to that particular priority level. The engineer, however, is permitted to borrow priorities from other engineers. The claims query to determine whether another engineer may loan a priority, and the engineer is permitted to negotiate with the other engineer to borrow a priority in that particular priority level. Amended claim 1 is reproduced below.

page 9

BS00403

U.S. Application No. 09/892,474 Examiner NGUYEN BA, Art Unit 2176
Submission of Amendment with RCE in Response to January 21, 2005 Office Action

1.   (Currently Amended) A system for managing work orders using priorities, comprising:

a work-order entry computer for entering a plurality of work-orders;

a database management system coupled to the work-order entry computer for storing work-order information related to the plurality of work orders;

a work order management computer;

a time estimation process executing on the work order management computer for assigning a time estimate to each work order entered , the time estimate corresponding to the time estimated to be required to complete the work order;

a priority assigning process executing on the work order management computer which a user can use to assign a priority to at least one of the plurality of entered work orders, the priority assigning process allocating to each engineer a pre-determined number of priorities for a pre-determined number of priority levels;

the priority assigning process tracking a remaining number of priorities at each priority level for each engineer, and when the remaining number of priorities for a particular priority level is zero, then the priority assigning process not permitting an engineer to assign another work order to that particular priority level;

the priority assigning process permitting the engineer to borrow priorities from other engineers, wherein when the engineer has no remaining priorities in that particular priority level, then the priority assigning process permits the engineer to negotiate with the other engineers to borrow a priority in that particular priority level, the priority assigning process querying to determine whether another engineer may loan a priority; and

a graphical user interface executing on the work order management computer in which a user can update at least a portion of the work-order information stored in the database management system.

The other independent claims include similar features.

The patent to Miles is completely silent to these claim features. No where does *Miles* teach or suggest "tracking the remaining number of priorities at each priority level for each engineer." No where does *Miles* teach or suggest "querying to determine whether another engineer may loan a priority." No where does *Miles* teach or suggest "borrowing priorities from other engineers." No where does *Miles* teach or suggest "permitting the engineer to negotiate with the other engineer to borrow a priority in that particular priority level." Because *Miles* fails to teach or even suggest these features, *Miles* cannot obviate the pending claims. The *prima*

page 10

BS00403

facie case of obviousness must fail, so the Assignee respectfully requests Examiner Nguyen Ba to remove the rejection and, instead, issue an allowance.

_____

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or *scott@scottzimmerman.com*.

Respectfully submitted,

Scott P. Zimmerman
Attorney for the Assignee
Reg. No. 41,390

page 11